THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.6357 OF 2007

Date 29-03-2007

Between

L.Rahaman.

……..PETITIONER.

AND

The Depot Manager, APSRTC, Nagar Kurnool Depot, Mahabubnagar District.

…….RESPONDENT.

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.6357 OF 2007

O R D E R:

This writ petition is filed questioning the action of the respondent in imposing the punishment of reduction of basic pay by two incremental stages, which will have effect on basic pay by the impugned order dated 07-07-1998.

The petitioner, an employee in the APSRTC, was issued charge sheet dated 17-04-1998 alleging that the bus was dacoited on 22.08.1991. It is stated that the petitioner had submitted his explanation to the charge sheet, but it was recorded that he had not submitted his explanation. The grievance of the petitioner is that the respondent without conducting any departmental enquiry passed the impugned order, dated 07-07-1998 imposing the punishment of deferment of annual increment for a period of three months with cumulative effect.

Learned counsel for the petitioner contends that the deferment of annual increment of an employee with cumulative effect is a major penalty and the same cannot be imposed without conducting any regular departmental enquiry as contemplated under the APSRTC Employees' (CC&A) Regulations (for short 'the Regulations'). In support of his contention, learned counsel relied on the judgment of the Supreme Court in **Kulwanth Singh Gill v.**

State of Punjab[1].

On the other hand, learned standing counsel appearing on behalf of the respondent-Corporation opposed the said contention and submitted that the first respondent had passed the impugned order only after considering the entire evidence on record, and therefore, there are no reasons to interfere with the same.

It is an admitted fact that the punishment of deferment of annual increment for a period of three months with cumulative effect is a major punishment. Though the petitioner was served with charge sheet, no regular departmental enquiry was conducted before imposing the penalty. The Apex Court in **Kulwanth Singh Gill's** Case

(1 supra) held that stoppage of increments with cumulative effect is a major penalty and it cannot be imposed without conducting any departmental enquiry. Since the punishment was imposed without conducting any regular departmental enquiry and in violation of the judgment of the Apex Court, the impugned order cannot be sustained.

The impugned order dated 07-07-1998, passed by the respondent, imposing the punishment of deferment of annual increment for a period of three months with cumulative effect, is modified to that of stoppage of one increment without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

29-03-2007

tjs

[1] 1991 Supp (1) SCC 504